

(counsel of record on following page)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA- SACRAMENTO DIVISION

EFREN LINARES, individually, and on
behalf of all others similarly situated, and on
behalf of the State of California and
aggrieved employees pursuant to the Private
Attorneys General Act,

Plaintiff,

vs.

ABM INDUSTRY GROUPS, LLC.,
FLOWERS BAKING CO. OF MODESTO,
LLC., and DOES 1 through 50, inclusive;

Defendants.

Case No.: 1:22-cv-00816-TLN-CKD

CLASS ACTION

**JOINT STIPULATION AND ORDER TO
ADJUST SCHEDULING ORDER**

*Before the Honorable Troy L. Nunley and Carolyn
K. Delaney*

Complaint filed: July 1, 2022

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21 AND FLOWERS BAKING CO.

22 OF MODESTO, LLC

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JOINT STIPULATION

1 Plaintiff EFREN LINARES and Defendants ABM INDUSTRY GROUPS, LLC and
2 FLOWERS BAKING CO. OF MODESTO, LLC (together, “Defendants”) (Plaintiff and Defendants
3 collectively referred to as the “Parties”), through their respective attorneys of record, hereby
4 stipulate and agree as follows:

5 WHEREAS, this matter is a putative class, collective, and Private Attorneys General Act
6 (“PAGA”) action based primarily upon Plaintiff’s allegations that Defendants fail to pay overtime
7 wages at the regular rate of pay.

8 WHEREAS, on January 23, 2024, the Court entered an Order granting the Parties’ stipulation
9 to adjust the Class Action Scheduling Order to require Plaintiff’s Motion for Class Certification to
10 be filed by December 16, 2024, for Defendants’ Opposition to Plaintiff’s Motion for Class
11 Certification to be filed by January 30, 2025, for Plaintiff’s Reply Brief to be filed by March 17,
12 2025, and for the hearing on Plaintiff’s Motion for Class Certification to be heard on April 17, 2025
13 (ECF 36).

14 WHEREAS, Plaintiff filed the Motion for Class Certification on December 16, 2024 (ECF
15 44);

16 WHEREAS, counsel, staff, and others working for Defendants in preparing the Opposition to
17 Class Certification have been significantly impacted and/or displaced by the fires affecting large
18 swaths of Southern California, including the Palisades Fire and the Eaton Fire (collectively, “the
19 Fires”);

20 WHEREAS, on January 16, 2024, the Parties filed a Stipulation to Adjust the Class
21 Certification briefing schedule, including Defendants’ Opposition, Plaintiff’s Reply, and the Hearing
22 date by two weeks to accommodate the hardships placed on Defendants’ representation by reason of
23 the Fires;

24 WHEREAS, on January 17, 2024, the Court signed an Order granting the Parties’ Stipulation
25 (ECF 46);

26 WHEREAS counsel for Defendants have requested, and counsel for Plaintiff has agreed, to
27 further adjust the date for Defendants’ Opposition to Class Certification and all other related
28 deadlines by an additional two weeks due to continued hardships placed on Defendants’
representation by reason of the Fires;

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WHEREAS, pursuant to the Parties' agreement and this stipulation, the Parties ask the Court to adjust the Scheduling Order as follows:

1. That Defendants' Opposition to Plaintiff's Motion for Class Certification be continued from February 13, 2025 to February 27, 2025;
2. That the deadline to file Plaintiff's Reply Brief be continued from March 31, 2025 to April 14, 2025; and
3. That the hearing on Plaintiff's Motion for Class Certification be continued from May 1, 2025 to May 15, 2025 or a date thereafter that is convenient for the Court.

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IT IS SO STIPULATED.

DATED: "February 5, 2025

By: /S/ Daniel Keller [auth. 1-29-25]

Stan Mallison
Hector Martinez
Daniel Keller
Caroline L. Hill
Attorneys for Plaintiff

DATED: February 5, 2025

By: /S/ Paul M. Smith

Alexander Chemers
Paul M. Smith
Attorneys for Defendants

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ORDER

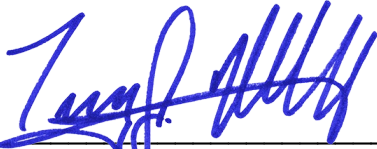
The Court, having reviewed the foregoing stipulation, and good cause appearing, hereby
ORDERS as follows:

The Court's Class Action Scheduling Order issued on January 23, 2024 (ECF No. 36) and adjusted on January 17, 2024 (ECF No. 46) is hereby adjusted further, as follows:

1. Defendants' Opposition to Plaintiff's Motion for Class Certification (ECF No. 44) is due by February 27, 2025 (previously February 13, 2025);
2. Plaintiff's Reply is due by April 14, 2025 (previously March 31, 2025); and
3. The hearing for Class Certification is scheduled for May 15, 2025 at 2:00 p.m.

IT IS SO ORDERED.

Dated: February 5, 2025



Troy L. Nunley
Chief United States District Judge

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